IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA) | | | |
|----------------------------|--|--|--|
| | Plaintiff, |) 8:10CR251) | |
| | vs. |) DETENTION ORDER | |
| JE | SUS A. RODRIGUEZ, | | |
| | Defendant. | } | |
| A. | Order For Detention After waiving a detention hearing pursuan Act on July 27, 2010, the Court orders the atto 18 U.S.C. § 3142(e) and (i). | t to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant | |
| B. | The Court orders the defendant's detentio X By a preponderance of the evic conditions will reasonably assure that X By clear and convincing evidence that X | | |
| C. | The Court's findings are based on the ever contained in the Pretrial Services Report, X (1) Nature and circumstances of the X (a) The crime: possession (Count II) in violation of sentence of five years in imprisonment. (b) The offense is a crime of (c) The offense involves a result of the contained of the con | ne offense charged: with intent to distribute methamphetamine 21 U.S.C. § 841(a)(1) carries a minimum inprisonment and a maximum of forty years of violence. | |
| | may affect when the defendant of the def | appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community. does not have any significant community of the defendant: use of alias names has a history relating to drug abuse. has a significant prior criminal record. has a prior record of failure to appear at | |
| | Parole | | |

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| _ | Release pending trial, sentence, appeal or completion of sentence. |
|---|---|
| (c) (| Other Factors: |
| (0) | X The defendant is an illegal alien and is subject to |
| = | deportation. |
| | The defendant is a legal alien and will be subject to |
| - | deportation if convicted. |
| | X The Bureau of Immigration and Custom Enforcement |
| _ | (BICE) has placed a detainer with the U.S. Marshal. |
| _ | Òther: |
| | |
| | ature and seriousness of the danger posed by the defendant's |
| release | are as follows: The nature of the charges in the Indictment. |
| X (5) Rebutta | able Presumntions |
| X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) | |
| | |
| | That no condition or combination of conditions will reasonably |
| | assure the appearance of the defendant as required and the safety |
| | of any other person and the community because the Court finds that |
| t | he crime involves: |
| _ | (1) A crime of violence; or |
| _ | (2) An offense for which the maximum penalty is life |
| | imprisonment or death; or |
| _ | X (3) A controlled substance violation which has a maximum |
| | penalty of 10 years or more; or |
| _ | (4) A felony after the defendant had been convicted of two |
| | or more prior offenses described in (1) through (3) |
| | above, and the defendant has a prior conviction for one |
| | of the crimes mentioned in (1) through (3) above which |
| | is less than five years old and which was committed |
| while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasons | |
| | |
| | of the community because the Court finds that there is probable cause to believe: |
| C | X (1) That the defendant has committed a controlled |
| = | substance violation which has a maximum penalty of |
| | 10 years or more. |
| | (2) That the defendant has committed an offense under 18 |
| _ | U.S.C. § 924(c) (uses or carries a firearm during and in |
| | relation to any crime of violence, including a crime of |
| | violence, which provides for an enhanced punishment |
| | if committed by the use of a deadly or dangerous |
| | weapon or device). |
| | weapon or device). |

- D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for
 confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 27, 2010.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge